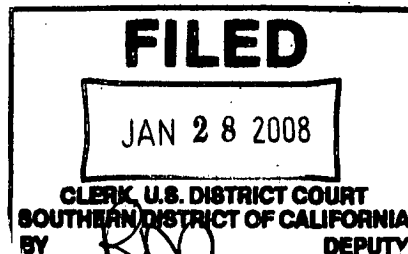


1 NATHAN TURNER
 2 C44886-C2-125
 3 POST OFFICE BOX 8503
 4 COALINGA, CA 93210

5 IN PRO. SE



6
 7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 8 IN AND FOR THE COUNTY OF FRESNO

9
 10 IN RE

11 NATHAN TURNER,
 12 on Habeas Corpus

NO. '08 CV 0181 IEG LSP

PETITION FOR WRIT OF HABEAS
 CORPUS AND MEMORANDUM
 OF POINT AND AUTHORITIES
 IN SUPPORT THEREOF

13
 14
 15
 16
 17 I

18 SUBJECT MATTER

19 ON 2-6-06, At approximately 0900 hours, petitioner was
 20 ducated and scheduled for an appointment, at High Desert
 21 State Prison Control Treatment Center. Petitioner arrived
 22 at said appointment. This appointment was for the compli-
 23 ance of Penal Code Section 296. By which Palm/Print Finger
 24 Prints are to be completed prior to an prisoner release
 25 date. Petitioner refused to submit to the aboved mentioned-
 26 indicated required specimens. Under the provisions of the
 27 California Code of Regulations, TITTLE 15,

ARTICLE 1.5. SECTION 33025.(2) DNA AND FORENSIC IDENTIFICATION. (SEE EXHIBIT-B). PETITIONER WAS WROTE UP UNDER A RULE VIOLATION REPORT NOT CONSISTANT WITH CAL. CODE OF REGS. TIT. 15. SECTION 33005(b) "CONDUCT." PETITIONER IN KNOW WAY DISREGARDED OBEYING ORDERS. PETITIONER ARRIVED AT LENTROL TREATMENT CENTER (LTC) AS SCHEDULED ON 2-11-04, AT APPROX. 0900 HOURS. (SEE EXHIBIT-B) PETITIONER CONTENDS BEING TRANSFERED TO ANOTHER PRISON AND THE OTHER PRISON MAY ASK AGAIN FOR SUBMISSION OF DNA WILL SUBJECT HIM TO SUBSTANTALLY MORE UNWARRENTED SEVERE RULES VIOLATIONS REPORTS, AND WILL ADD UP TO TAKING MORE DAYS OF LOSS OF CREDIT ALONG BEHAVIOR POINTS ADDED TO PETITIONER BEING RETAINED AT A LEVEL-4 PRISON. PETITIONER SEEKS AN ORDER/INJUNCTION TEMPORARILY RESTRAINING ORDER RESTRAINING W.J. SULLIVAN, (WARDEN) FROM ISSUING MORE RULE VIOLATION REPORTS PERTAINING SUBMISSION OF DNA PENDING A HEARING ON THE MERITS, AND AN ORDER REQUIRING RESPONDENTS TO AFFORD PETITIONER DUE PROCESS OF LAW.

II.

PARTIES

2. PETITIONER NATHAN TURNER IS A PRISONER CURRENTLY INCARCERATED AT CALIFORNIA CORRECTIONAL INSTITUTION PRISON. HE DOES NOT BY THIS PETITION ATTACK THE VALIDITY OF HIS CONVICTION.
3. WILLIAM J. SULLIVAN IS THE WARDEN OF CALIFORNIA CORRECTIONAL INSTITUTION AND THE LEGAL CUSTODIAN OF PETITIONER.

1 4. JOANNA WOODFORD IS THE DIRECTOR OF THE CALIFORNIA
 2 DEPARTMENT OF CORRECTIONS (DEPARTMENT) AND IS RESPONSIBLE
 3 FOR THE OPERATIONS OF THE DEPARTMENT, INCLUDING
 4 THE OPERATION OF CALIFORNIA CORRECTIONAL INSTITUTION
 5 PRISON.

6 III.
 7 FACTS

- 8 5. PETITIONER HAS SINCE BEEN TRANSFERRED FROM HIGH DESERT
 9 STATE PRISON IN SUSANVILLE CALIFORNIA. PETITIONER NOW
 10 RESIDE DOWN IN SOUTHERN CALIFORNIA PRISON CAL. CORR. INST.
 11 IN TEHACHA PL CALIFORNIA. (SEE EXHIBIT-C, C1)
- 12 6. ON 2-11-04, AT APPROXIMATELY 0900 HOURS PETITIONER WAS
 13 SCHEDULED AND APPOINTMENT TO ARRIVE AT (H.D.S.P.) (CTC)
 14 MAIN INFIRMARY. (SEE EXHIBIT-B) PETITIONER COMPLIED WITH
 15 A STAFF ESCORT. PETITIONER WAS THEN ASKED TO SUBMIT
 16 DNA FORENSIC IDENTIFICATION COLLECTION IN ACCORDENCE
 17 TO CALIFORNIA CODE OF REGS. TITLE 15, SECTION 33025(a),
 18 IN WHICH PETITIONER REFUSED, AND EXPLAINED TO CORRECTIONAL
 19 OFFICER B. BAKER, THAT I'VE SUBMITTED THESE NECESSARY
 20 SAMPLE WAY BACK IN 1996 AND REFUSE GIVING ANY MORE.
 21 (SEE EXHIBIT-D, D1).
- 22 7. ON 2-15-04 PETITIONER RECEIVED A (LDC-115) RULES VIOLATION
 23 PERTAINING TO "OBEYING ORDERS" CALIFORNIA CODE OF
 24 REGULATIONS TITLE 15, SECTION 33005(2) "CONDUCT" ACTS
 25 OF REFUSAL TO COMPLY WITH PENAL CODE SECTION 2196.
 26 (SEE EXHIBIT-B)
- 27 8. ON 2-15-04 CORRECTIONAL OFFICER D.J. CLARK WAS AS-

1 SIGNED AS THE INITIAL INVESTIGATING L/D IN ACCORDENCE
 2 TO CAL CODE OF REGS. TIT. 15 SECTION § 33191 (SEE EXHIBIT-B PG 2)
 3 AND THE INVESTIGATION WAS COMPLETED ON 2-19-04.

4 9. ON 2-17-04 RECORDED PETITIONERS STATEMENT REGARDING
 5 HIS STATEMENT PERTAINING TO RULE VIOLATION REPORT PETITIONER
 6 EXPLAINED ALL DNA SAMPLES HAVE BEEN SUBMITTED TO THE
 7 DEPARTMENT OF JUSTICE. I WILL PRESENT EVIDENCE WITH THE
 8 HEARING OFFICER. (SEE EXHIBIT-D) PETITIONER ALSO REQUESTED
 9 INMATE WESTBROOK E-31350 TO WITNESS SAID DOCUMENTS SHOWN
 10 TO L/D BAKER FOR VERIFICATION. (SEE EXHIBIT-B, PG. 2)

11 10. ON 2-19-04 PETITIONER RECEIVED HIS FINAL COPY OF THE INVESTI-
 12 GATIVE EMPLOYEE REPORT.

13 ON 2-20-04 PETITIONER WAS SUMMONED TO PROGRAM OFFICE IN
 14 WHICH TO HAVE THE HEARING HEARD. UPON BE^{ING} ESCORTED BY STAFF
 15 TO THE OFFICE WE WERE APPROACHED BY A YARD STAFF HE SAID TO
 16 THE ESCORTING STAFF WITH ME THAT INMATE CAN'T GO TO THE PRO-
 17 GRAM OFFICE WITHOUT WEARING STATE BOOTS IN WHICH I WAS WEARING
 18 PERSONAL TENNIS SHOES AFTER EXPLAINING TO THE L/D I HAVE A
 19 SOFT SHOE CHRDND FROM STAFF PHYSICIAN, AND BEING ON CRUTCHES I
 20 WAS ESCORTED BACK TO HOUSING UNIT NEVER BEING INTERVIEWED
 21 BY HEARING OFFICER.

22 11. ON 2-9-04 PETITIONER WAS ENDORSED TO TRANSFER. ON 2-25-02
 23 PETITIONER TRANSFERRED DOWN TO SOLANO STATE PRISON.
 24 (SEE EXHIBIT-C, PG 2) PETITIONER NEVER HAD HIS LDC-115 ADJUDI-
 25 CATED BEFORE LEAVING (H.D.S.P.) ON 3-9-04 PETITIONER AP-
 26 PEARED IN FRONT OF CSP-SOLANO STATE PRISON COMMITTEE
 27 PROGRAM REVIEW PETITIONER WAS ADVISED THAT HE HIS A

PENDING CDC-115 IN C-FILE THAT HAS NOT BEEN ADJUDICATED, ON 4-22-04 PETITIONER WAS CALLED TO HIS COUNSELOR AT CSP SOLANO OFFICE COUNSELOR A. VALENCIA - C.C-I STATED TO PETITIONER THAT HIS CDC-115 RULE VIOLATION REPORT HAS NOW ALL OF A SUDDEN BEEN ADJUDICATED AND IT APPEARS I'LL BE REFERRING YOUR CASE BACK TO THE UNIT CLASSIFICATION COMMITTEE FOR PROGRAM REVIEW. PETITIONER'S CLASSIFICATION POINTS WERE INCREASED TO CDC-115.

12. ON 5-4-04 PETITIONER ONCE AGAIN WAS ENDORSED TO C.C.I. CALIFORNIA CORRECTIONAL INSTITUTION. (SEE EXHIBIT-C).

13. ON 5-13-04 PETITIONER FILED A INMATE APPEAL WHICH WAS SUBSEQUENTLY DENIED WITH THE ENCLOSED SCREENING CDC-695 FORM. (SEE EXHIBIT-A). PETITIONER NEVER MET TIME REGULATIONS BECAUSE HE NEVER APPEARED IN FRONT OF A HEARING OFFICER AS DEFINED IN CAL CODE OF REGS. tit. 15 SECTION § 3320.(g) NOR WAS HE GIVEN THE FINAL DISPOSITION UNTIL HE ASKED HIS COUNSELOR FOR A FINAL DISPOSITION COPY AT HIS U.C.L. HEARING. (SEE EXHIBIT-B) ALL COPIES NOT ORIGINALS.

14. ON 10-27-2004 PETITIONER RECEIVED THE DIRECTOR'S LEVEL APPEAL DECISION IT HAS SUBSEQUENTLY BEEN DENIED WHEREFORE PETITIONER HAS KNOW OTHER EXHAUSTIVE REMEDY BUT TO FILE A STATE WRIT OF HABEAS CORPUS. (SEE EXHIBIT-A)

IV.

CONTENTION

15. THE ARBITRARY AND DISREGARDS OF A PRISONERS DUE PROCESS SAFEGARDS DONE AGAINST RECOMMENDED DEPARTMENT PROCEDURES AND WITHOUT CONSIDERATIONS OF FACTOR'S PARTICULAR TO THE

(5)



1 individual prisoner and without providing the prisoner with an op-
2 portunity to contest his CDC-115 rule Violation Report violates the
3 due process clauses of the State and Federal Constitutions.

4
5 V.

6 PRAYER FOR RELIEF

7 16. Petitioner is without remedy save by writ of habeas corpus;
8 wherefore, petitioner prays that this court;

- 9 1. Issue a writ of habeas corpus;
- 10 2. temporarily restrain respondents from issuing more unwarranted CDC-115 (RVR) to petitioner;
- 11 3. Declare the rights of personer;
- 12 4. Enjoin respondent's from denying petitioner his right affor-
13 ding him due process of law;
- 14 5. Award attorney fee's
- 15 6. Stop defendent's from any kind or future form of retaliation
16 or abuse directed at/or on petitioner, from the Department of
17 Corrections, (CDC) and its staff members or associates, be-
18 cause of the action that is being filed on them.
- 19 7. Retract/expunge all CDC-115's and CDC-128's from petitioners
20 central file.
- 21 8. Grant any and all further the interest relief this court
22 deems necessary to further the interests of justice.

23 DATED: _____

24 Respectfully Submitted,

25 Nathan Turner
26 Nathan Turner
27



MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE PETITION

ARGUMENT

THE ARBITRARY AND DISREGARDS OF A PRISONERS DUE CONSIDERATION OF FACTORS PARTICULAR TO THE INDIVIDUAL PRISONER AND WITHOUT THE PROVIDING PETITIONER WITH AN OPPORTUNITY TO CONTEST THE CDC-115(RVR) WHICH VIOLATES THE DUE PROCESS CLAUSES OF THE STATE AND FEDERAL CONSTITUTION.

IN WOLFF V. MCDONNELL, 418 U.S. 539, 94 S.Ct 2994(1974), THE UNITED STATES SUPREME COURT HELD: THE PHARSE "DUE PROCESS OF LAW" IS FOUND IN BOTH THE FIFTH AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION. THE FIFTH AMENDMENT APPLIES TO FEDERAL ACTION WHILE THE FOURTEENTH AMENDMENT APPLIES TO STATE ACTION. THE SUPREME COURT INDICATES THAT "DUE PROCESS" HAS TWO ASPECTS: SUBSTANTIVE AND PROCEDURAL. THE SUBSTANTIVE ASPECT OF "DUE PROCESS" INVOLVES THE FUNDAMENTAL RIGHTS OF AN INDIVIDUAL, SUCH AS LIFE AND LIBERTY, WHICH ARE PROTECTED FROM GOVERNMENT ACTION. THE PROCEDURAL ASPECT OF "DUE PROCESS" DEALS WITH THE MEANS BY WHICH A GOVERNMENT ACTION CAN AFFECT THE FUNDAMENTAL RIGHTS OF AN INDIVIDUAL. ONLY AFTER CERTAIN "FAIR PROCEDURES" ARE FOLLOWED CAN THE GOVERNMENT ACT OR DEPRIVE AN INDIVIDUAL OF A FUNDAMENTAL RIGHT. HOWEVER, THE EXTENT PROCEDURAL RIGHTS GUARANTEED DEPEND UPON THE STATUS OF THE INDIVIDUAL (FREE CITIZEN-PRISONER), THE TYPE OF ACTION CONTEMPLATED AND THE RIGHTS AT ISSUE, AND THE NATURE OF THE FORUM PAROLE HEARING / DISCIPLINARY HEARING, ETC.).

IN PEOPLE V. RAMIREZ, (1979) 25 C.3d 260, OUR STATE SUPREME COURT DECLARED ITS INDEPENDENCE FROM THE FEDERAL RULE,



1 THE COURT FOUND THE CALIFORNIA CONSTITUTION (ARTICLE 1, § 7 AND
 2 15) DID NOT CONDITION THE NECESSITY FOR PROCEDURAL DUE PROCESS
 3 ON THE EXISTENCE OF STATUTORY OR ADMINISTRATIVE ENTITLEMENT.
 4 THE COURT HELD: "[W]HEN AN INDIVIDUAL IS SUBJECTED TO DEPRIV-
 5 VATORY GOVERNMENTAL ACTION, HE ALWAYS HAS A DUE PROCESS
 6 LIBERTY INTEREST BOTH IN FAIR AND UNPREJUDICIAL DECISION-
 7 MAKING AND IN BEING TREATED WITH RESPECT AND DIGNITY." Id.
 8 AT 268. UNDER EITHER ANALYSIS PETITIONER IS ENTITLED TO SOME
 9 FORM OF PROCEDURAL DUE PROCESS AND TO FREEDOM FROM ARBITRARY
 10 STATE ACTION. THE FEDERAL APPROACH REQUIRES AN INQUIRY
 11 INTO THE STATE STATUTORY AND REGULATORY SCHEME. PENAL CODE
 12 § 2932.12)(1)(3)(4) DOES PLACE LIMITS ON THE AUTHORITY OF THE
 13 DIRECTOR. HOWEVER, THE DIRECTOR HAS, BY HER OWN RULES,
 14 SET FORTH CERTAIN CRITERIA FOR RULE VIOLATION REPORTS
 15 TO BE HEARD BY SENIOR HEARING OFFICIALS. PENAL CODE 50583.
 16 AS A RESULT, WOLFF ESTABLISHED THE MOST WIDELY CITED
 17 DUE PROCESS STANDARDS FOR A PRISON DISCIPLINARY HEARING.
 18 [IT SHOULD BE NOTED THAT OTHER CASES, SUCH AS BAXTER V.
 19 PALMIGIANI, 510 F.2d 534, 1st Cir. 1974) A CASE FOLLOW-
 20 ING THE WOLFF DECISION, PROVIDES STRICTER GUIDELINES FOR
 21 DUE PROCESS SETTING REQUIRES:

- 22 1. ADVANCE WRITTEN NOTICE OF THE CHARGES AGAINST PRISONER
 23 MUST BE GIVEN AT LEAST 24 HOURS PRIOR TO HIS APPEARANCE BEFORE
 THE DISCIPLINARY PRISON HEARING SENIOR OFFICIAL.
- 24 2. THERE MUST BE A WRITTEN STATEMENT BY THE FACTFINDER AS
 25 TO EVIDENCE RELIED UPON AND REASONS FOR THE DISCIPLINARY
 ACTION.
- 26 3. THE PETITIONER SHOULD BE ALLOWED TO CALL WITNESSES
 27 AND PRESENT DOCUMENTARY EVIDENCE IN HIS DEFENSE PRO-
 VIDING THERE IS NO UNDUE HAZARD TO INSTITUTIONAL

1 SAFETY OR CORRECTIONAL GOALS.

2 4. COUNSEL SUBSTITUTE SHOULD BE ALLOWED WHERE PRISONER IS ILL-
3 LITERATE OR WHERE THE COMPLEXITY OF THE ISSUES MAKE IT UNLIKELY
4 THAT THE PRISONER WILL BE ABLE TO COLLECT AND PRESENT THE
EVIDENCE NECESSARY FOR AN ADEQUATE COMPREHENSION OF
THE CASE.

5 5. THE PRISON SENIOR DISCIPLINARY OFFICIAL MUST BE IMPARTIAL.

6 CONCLUSION

7
8 HAD THE SENIOR HEARING OFFICIAL ~~BE~~ DONE WITH ALL OFFICIAL PROCEDURES
9 IN WHICH HE IS OBLIGATED TO FOLLOW IN CONDUCTING INTERNAL
10 DISCIPLINARY HEARINGS BY SUMMING PETITIONER FOR HIS APPEARANCE
11 PETITIONER WOULD HAVE PRESENTED HIS EVIDENCE SHOWING THAT
12 HE HAS COMPLIED WITH NECESSARY PENAL CODE 2.96, 2.90.2.

13 THIS WAS CREDIBLE EVIDENCE CONTRADICTING THE VERSION OF
14 STAFF WISHES TO USE AGAINST PETITIONER. THEREFORE, THE HEARING
15 BY SENIOR OFFICIAL NOT CALLING PETITIONER'S WITNESSES DEFICIENT -
16 LIES AND EVIDENCE ALONG WITH PROCEDURAL IRREGULARITIES
17 ARE SHOWN. PRISONERS ARE NOT STRIPPED OF THEIR CONSTITUTIONAL
18 RIGHTS, INCLUDING THE RIGHT TO DUE PROCESS, WHEN IMPRISONED.

19
20
21
22 RESPECTFULLY SUBMITTED

23
24 Nathan Turner

25 IN PRO. PER.
26
27



JS44

(Rev. 07/89)

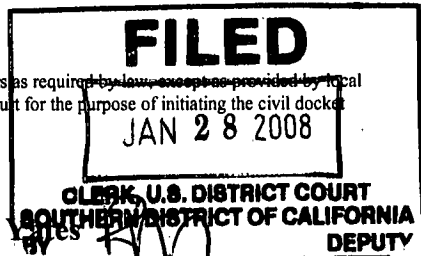
CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Nathan Turner

James A. Yates



(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Solano
(EXCEPT IN U.S. PLAINTIFF CASES)

1984 1983

FILED FEB PAID

Yes ☐ No ☒

IF MOTION FILED

Yes ☐ No ☒

COPIES SENT TO

Court ☐ NO ☒ PROB AND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(U.S. PLAINTIFF CASES ONLY)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Nathan Turner
PO Box 8503
Coalinga, CA 93210
C-44886

ATTORNEYS (IF KNOWN)

'08 CV 0181 IEG LSP

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | |
|---|----------------------------|---|----------------------------|
| PT | DEF | PT | DEF |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of This State | | Incorporated or Principal Place of Business in This State | |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen of Another State | | Incorporated and Principal Place of Business in Another State | |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| Citizen or Subject of a Foreign Country | | Foreign Nation | |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input checked="" type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(e)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Eiectmant <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE 1/28/2008

SIGNATURE OF ATTORNEY OF RECORD

R. Muller